

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERT E. STALLINGS,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. § 1983
	:	
v.	:	
	:	
HOFFMAN, CAPTAIN,	:	CIVIL ACTION NO.
Defendant.	:	1:14-CV-806-WSD-LTW

FINAL REPORT AND RECOMMENDATION

Plaintiff is confined at the Charles B. Webster Detention Center in Augusta, Georgia (the "Jail"). (Doc. 1 at 2-3; Doc. 3.) Plaintiff, pro se, filed a complaint under 42 U.S.C. § 1983 against the captain at the Jail. (Doc. 1.) Plaintiff contends that he is being denied sufficient time in the Jail's law library to research issues regarding his criminal case pending in Augusta. (*Id.* at 3-5.) Plaintiff seeks an injunction ordering Defendant to provide Plaintiff greater access to the law library. (*Id.* at 4.)

Plaintiff filed this case in the wrong venue. An action under 42 U.S.C. § 1983

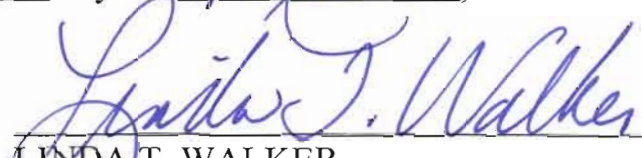
may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b). Plaintiff's complaint concerns only his confinement in Richmond County – the county in which the Jail is located – and he has sued only a Richmond County official for injunctive relief. (Doc. 1.) Richmond County is located within the jurisdiction of the U.S. District Court for the Southern District of Georgia. Venue is not proper in this Court.

A district court must transfer a case filed in the wrong court to a court in which venue is proper “if it be in the interest of justice.” 28 U.S.C. § 1406(a). Because Plaintiff is proceeding pro se and likely does not know the venue laws, the undersigned finds it in the interest of justice to transfer this case.

Accordingly, **IT IS RECOMMENDED** that the Court **TRANSFER** this action to the U.S. District Court for the Southern District of Georgia, Augusta Division, for further proceedings.

SO RECOMMENDED this 21 day of March, 2014.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE